

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Plaintiff(s),

vs.

MOUNTAIN GATE HOMEOWNERS'
ASSOCIATION, et al.,

Defendant(s).

Case No. 2:16-cv-00540-JCM-NJK

ORDER

Pending before the Court is the order to show cause why this case should not be dismissed for lack of subject matter jurisdiction. Docket No. 16. The primary sticking point in the Court's analysis of its subject matter jurisdiction is the lack of information provided by Saticoy Bay LLC Series 6408 Hillside Brook ("Saticoy Bay") regarding its citizenship for diversity jurisdiction purposes. Saticoy Bay has recently filed a supplemental declaration identifying Iyad Haddad as the sole beneficiary of the Sarah Lee Trust. Docket No. 38-1. This latest submission does not resolve all of the Court's concerns on the issue, however, including the changing nature of the representations made to the Court. Moreover, the declarations of Mr. Haddad indicate that he is the sole trustee of the Sarah Lee Trust and the sole beneficiary of the Sarah Lee Trust, *see, e.g.*, Docket No. 38-1 at ¶¶ 1-2, and it appears that such a scenario may be a legal impossibility under Nevada law, which does not appear to permit a person to create a trust in which he is the sole trustee and the sole beneficiary, *see, e.g.*, N.R.S. 166.040 §§ 2(b), 3 (including a limitation on "the power of the settlor to make distributions to himself or herself without the consent of another person" (emphasis added)); David G. Shaftel & David H. Bundy, DOMESTIC

1 ASSET PROTECTION TRUSTS CREATED BY NONRESIDENT SETTLORS, 32 Est. Plan 17, at p. 17, 25 (2005)
2 (addressing the requirement that an asset protection trust must include an independent trustee other than
3 the beneficiary).

4 Given these circumstances, the Court hereby **SETS** a further hearing for 10:00 a.m. on June 10,
5 2016, in Courtroom 3C. Iyad Haddad must be present in person at that hearing. The Court also strongly
6 encourages Mr. Haddad and his attorney to bring to that hearing copies of official documentation
7 showing the membership of Saticoy Bay LLC Series 6408 Hillside Brook and the sub-members of any
8 person or entity with any direct or indirect membership interest in Saticoy Bay LLC Series 6408 Hillside
9 Brook.

10 IT IS SO ORDERED.

11 DATED: May 31, 2016

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14 NANCY J. KOPPE
15 United States Magistrate Judge
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